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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/029,933 | 12/31/2001 | Tommy Kristensen Bysted | 042933/305182 | 5897 |

826 7590 11/12/2008

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| EXAMINER |
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DEAN, RAYMOND S

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| ART UNIT | PAPER NUMBER |
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2618

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| MAIL DATE | DELIVERY MODE |
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11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/029,933 | Applicant(s) BYSTED ET AL. | |
| | Examiner RAYMOND S. DEAN | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 5, 2008 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants' assertion that Botha fails to teach that "each transport channel is configured to process a signal according to one of a plurality of process schemes, the configuration of which is established during a call setup". **PLEASE NOTE:** Hans et al. (US 6,928,288) is cited solely as evidence to support Examiner's contention that the configuration of transport channels in a UMTS system are established at call set up. In other words Hans shows that the establishment of the configuration of the transport channels in UMTS systems is a well known process in UMTS systems (Please See Hans Cols. 1 lines 63 - 67, 2 lines 1 - 8, in order for the transport channels to be copied at call setup said transport channels will need to be configured at call setup). Botha teaches the above described typical UMTS system with transport channels thus Botha teaches the limitation in question.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Botha (US 7,272,769)

Regarding Claim 8, Botha teaches an apparatus comprising a processor for processing digital signals to produce a modulating signal for radio transmitter circuitry (Figure 2, Cols. 3 lines 3 – 5, lines 29 – 32, lines 45 – 47, typical UEs comprise processors) the processor being configured to implement a protocol stack having a physical layer and a medium access control layer, above the physical layer, wherein the medium access control layer provides a plurality of transport channels which are combined and then interleaved to produce said modulating signal (Cols. 3 lines 29 – 60, 4 lines 1 – 38, the physical layer enables the creation of physical channels, the UMTS protocol stack comprises a MAC layer and a physical layer), each transport channel being configured to process a signal according to one of a plurality of process schemes, the configuration of which is established during a call setup (Cols. 3 lines 48 – 60, 4 lines 7 – 21, the cited operations are conducted during a call setup, CRC and rate matching are the process schemes).

Regarding Claim 9, Botha teaches all of the claimed limitations recited in Claim 8. Botha further teaches wherein said interleaving is performed on blocks of data constituting a plurality of bursts (Cols. 1 lines 25 – 27, 4 lines 30 – 38, GSM comprises data bursts).

Regarding Claim 10, Botha teaches all of the claimed limitations recited in Claim 8. Botha further teaches wherein the processor performs interleaving of said transport channels immediately before they are combined (Col. 4 lines 1 – 29).

Regarding Claim 11, Botha teaches all of the claimed limitations recited in Claim 8. Botha further teaches wherein the plurality of process schemes includes at least one of a cyclic redundancy check, channel coding and rate matching (Cols. 3 lines 48 – 60, 4 lines 7 – 21).

Regarding Claim 12, Botha teaches all of the claimed limitations recited in Claim 8. Botha further teaches wherein a multiplexer is arranged to multiplex interleaved data output by the transport channel immediately prior to transmitting data to a physical layer (Col. 4 lines 23 – 29).

Regarding Claim 13, Botha teaches all of the claimed limitations recited in Claim 12. Botha further teaches wherein the physical layer comprises an interleaver for further interleaving of the signal output from the medium access control layer, immediately subsequent to combination of the transport channel (Col. 4 lines 30 – 38).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Primary Examiner, Art Unit 2618

Raymond S. Dean
November 3, 2008

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/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618